

AMENDED COMPLAINT
(for filers who are prisoners without lawyers)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

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FILED
2022 JAN -4 P 2:38

(Full name of plaintiff(s))

Daniel Patrick Seaberg

v.

Case Number:

(Full name of defendant(s))

21-CV-1053

(to be supplied by Clerk of Court)

R.N. Yvonne Schlosser, M.D. James I. Collins,

M.D. Kevin Krembs, LPN. Carolyn Detkak,

Jane Doe (^{Nurse} Supervisor), John Doe Officer #1,
John Doe Officer #13

A. PARTIES

1. Plaintiff is a citizen of Illinois, and is located at
(State)

Shawnee C.E., 6665 State Rt. 146 E., Vienna, IL 62995
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant R.N. Yvonne Schlosser et. al
(Name)

is (if a person or private corporation) a citizen of Wisconsin

(State, if known)

and (if a person) resides at _____
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Kenosha County Jail Kenosha County Detention Center
1000 55th Street 4777 88th Avenue
Kenosha, WI 53143 Kenosha, WI 53144
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On 9-12-2020, I, Daniel P. Seaberg was an inmate at the Kenosha County Detention Center, under pre-trial status. On this date I got into an altercation with another inmate. I injured my hand (right) in that incident. Afterwards I went to the shower area and pretended to fall, so I could report it as an accident as to the cause of injury. I committed this deception in order to ~~not~~ protect myself from further injury from other inmates by becoming targeted for snitching.

At about 2:30 p.m on 9-12-2020, Officer Persson responded to this, and came over to me and asked me what happened. I explained to her that I had fell in the shower, that I was in intense pain, and that I believed that my right hand was broken

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and I could not move it. I then asked her to please contact medical (H.S.U), that I needed emergency treatment. My hand was easily discernable of having been injured. There was bruising, a lot of swelling and I was freely bleeding from a 1/2 in gash on my right index finger knuckle, (that was dripping blood). She then contacted someone. Several minutes later John Doe Officer #1 and John Doe Officer #2 showed up and began asking me about my injuries. They then ordered me out into the hallway where to the best of my knowledge I observed John Doe Officer #3 and John Doe Officer #4 standing in the hallway. John Doe Officer #1 ordered me to face the wall and place my hands behind my back that he was going to cuff me up. I then verbally protested that my right hand was causing me extreme pain, that I believed it was broke, that I only wanted to go to H.S.U for treatment and that I would not cause any trouble or resist them. They responded by yelling at me to face the wall, which I did. ^{John Doe} Officer #1 proceeded to apply handcuffs to my wrists behind my back. While John Doe Officer #1 was doing this he was squeezing my right hand very hard, while I screamed in pain and pleaded with him to let it go, that it was broke. To the best of my knowledge John Doe Officer #2, John Doe Officer #3, and John Doe Officer #4 stood and watched this, doing nothing while I screamed in pain. John Doe Officer #1 acted sadistically, never once relieving pressure from my injured hand while taking way to long to cuff me. None of the other officers (John Doe Officer #2, John Doe Officer #3, and John Doe Officer #4) present acted professionally while this occurred and so was derelict in their duty, and so created a conspiratorial environment with ~~Officer #2~~ John Doe Officer #1's actions. At no time did I attempt to physically resist John Doe Officer #1.

On 5-17-2021, I placed a request, asking for all video footage in Kenosha County Detention Center for the date of 9-12-2020 for the cameras where this incident took place to be preserved as evidence, for upcoming litigation. At this point on 9-12-2020, I was then escorted to H.S.U. My hand was now in a state of continuous throbbing pain, from John Doe Officer[#]1 crushing grip upon it while applying my handcuffs. The pain was now so intense I felt nauseated. Once at the H.S.U., I was seen by Yvonne Schlosser R.N. I informed her of my intense pain, and that I believed my hand(right) to be broken. She noticed the swelling and the cut on my knuckle. She proceeded to clean the cut, and applied an ointment to it and a band-aid. I said I believed I needed stitches; she responded that it didn't look like it. My wound did not completely close with the use of that first band-aid, it bled several times afterward. I never received another band-aid or dressing and had to use my tissue paper to stop it. Yvonne Schlosser R.N. asked me to squeeze a paper towel while holding my hand out in front of me. I could only touch it with my thumb, pinky, and ring finger. She asked me to then make a fist. I could not. She acted like I was faking and said, "I think your hand is fine.", but I insisted that it was broke and hurt really bad. Per reflection of my Medical Records Yvonne Schlosser R.N. contacted Krembs M.D. by phone. There was then an order placed for Tylenol 1000mg PO BID X 7 days, Ice to affected area 4x day X 3 days, and a 2 view x-ray of my right hand on the next scheduled x-ray day. Then the John Doe Commanding officer[#]5 came in there and questioned me about my injuries. I was then cuffed in the front, because of my injured hand, and was told I was to be transported to H-West, (which is segregation). I then asked both Yvonne Schlosser R.N. and the John Doe commanding officer[#]5 why my hand wasn't being treated for being broken. Yvonne Schlosser responded by saying "we don't believe your hand is broke." I insisted that it was, she then said that, "It will be x-rayed." I ~~then~~ asked when this would be and she said, "I don't know." I asked if it would be today and she said "No" Before leaving H.S.U. I protested one more time to Yvonne Schlosser and the John Doe commanding officer[#]5 to please let me see a doctor or to take me to a hospital. They responded by laughing and John Doe Commanding officer[#]5 said, "you can't go to the hospital".

isolation for lying to me." On 9-12-2020, during the evening I received ICE for my hand. I did not receive the prescribed ICE again for the rest of my stay in Segregation, (9-12-2020 - 9-24-2020) Even though I asked for it from LPN Carolyn Dekok, Jane Doe Nurse #1, Jane Doe Nurse #2, Jane Doe Nurse #3, and Jane Doe Nurse #4, as they did their rounds every shift. I also asked John Doe Officer #6, John Doe Officer #7, John Doe Officer #8, and John Doe Officer #9 while they were doing their rounds with the nurses. I was left in segregation and only given Tylenol twice a day (in the morning, and in the evening). I was given ~~Tylenol~~ no other treatment from 9-12-2020 till 9-17-2020. During this period everytime LPN Carolyn Dekok, Jane Doe Nurse #1, Jane Doe nurse #2, Jane Doe Nurse #3, and Jane Doe Nurse #4 did their rounds I complained about my treatment. I informed them that my hand caused me a lot of pain, and that I had lost all movement of it. I pleaded with LPN Carolyn Dekok, Jane Doe Nurse #1, Jane Doe Nurse #2, Jane Doe Nurse #3, and Jane Doe Nurse #4 and the John Doe Officer #6, John Doe officer #7, John Doe officer #8, and John Doe Officer #9 accompanying the nurses while on their rounds to please let me speak to the nursing supervisor, the doctor or the the nurse practitioner. I asked to speak to the Sheriff David Beth and at other times shift supervisors for the guards. I got many different responses to my pleas, but most often I was simply ignored. Other times LPN Carolyn Dekok, Jane Doe Nurse #1, Jane Doe Nurse #2, Jane Doe Nurse #3, and Jane Doe Nurse #4 would respond by saying I would have to fill out a paper request for sick call, during these times I would point out my bruising and excessive swelling to my right hand and say it was impossible for me to fill one out that would be legible. Jane Doe Nurse #1 said she would put me in for sick call, but I was never called. And I was unable to use a kiosk to make requests as I was in segregation. Jane Doe Nurse #1, Jane Doe Nurse #2, Jane Doe Nurse #3, Jane Doe Nurse #4, and LPN Carolyn Dekok did not show the proper concern a reasonable person would expect from a professional who was addressing another person's complaints and pleas for medical treatment. Even when they had told supervisors

or other personnel, no one ever came to my cell to address my plea, and I wasn't taken before anyone outside my cell. During the second night in segregation, while asleep I rolled over in my bunk and in doing so bumped my hand on the wall, had my hand not been so injured or had it been protected in some way with a splint or a wrap it would of only been a minor annoyance, but my hand was not protected and I woke feeling an explosion of pain that lasted for hours, throbbing and causing waves of nausea. I yelled for a C.O. for about 20 minutes before being told to shut up by John Doe Officer #10. This was not the only time I was made to feel inequitable by being told to be quiet or shut up, when I was voicing complaint of my injury or my lack of medical treatment. During shower time while in segregation, which usually occurs after midnight on 2nd shift during Rec time, I was forced to shower while wearing a restraint belt with my hands handcuffed to the restraint belt. John Doe Officer #10, John Doe Officer #11, Officer Boston all said I had to wear it while I showered and that it was a Jail Rule. This allows only a person to reach about two handcuffs width of motion or less than about 20 inches. It would be impossible for even an uninjured person to properly clean their body, while their hands were bound to their waist by handcuffs, it was even more impossible with my injury. The first time I protested that this practice seemed medieval and that I would not be able to clean myself while like this with my broke hand. I then said to the ^{John Doe} Officer #10, "This shit can't be constitutional, I can't even reach my head or my ass," he responded by laughing and said, "So call the A.C.L.U." I responded in turn by saying, "so can I" and he replied, "Hell No." Everytime I was allowed to shower while in segregation from 9-12-2020 till 9-24-2020, I was forced to be handcuffed to this restraint belt. by officer Boston, John Doe Officer #10, John Doe Officer #11. Even after 9-17-2020 when the nurse practitioner Hafeman, the nursing staff, the guards, the Administration, the doctors, all knew my hand was indeed broke, because of the x-rays. On 9-17-2020, I seen LPN Carolyn

Dekok, she asked me to move my fingers, I could not. Per her medical records she notes the bruising, swelling and my inability to move my fingers, of my right hand. As per her recorded log entry she placed a call to J. Hafeman APNO to report these findings. I was given x-rays on 9-17-2020. The next day I saw LPN Carolyn Dekok passing out medication, and she informed me that ~~the~~ the x-ray showed that my hand was broke. I asked her what they were going to do about it and she responded that she didn't know. Then I asked her if I could see the doctor or someone in charge and she responded, "you'll just have to be patient." At one point after 9-18-2020, I ~~had~~ heard Officer Boston tell John Doe Officer #12 while putting restraints on me so I could shower while I was informing him that my Right hand is broke to be careful that Officer Boston said "That they still haven't done anything for Seaberg."

Even after 9-17-2020, when there was documented medical proof that I had sustained a serious medical injury in need of proper medical treatment and allowances, no actions were taken to address my immediate need for help. The ^{defendants} ¹ Krembs, Collins, Dekok, and Doe (nurse supervisor) all were now delinquent in their professional responsibilities and showed personal and deliberate indifference to Seaberg's health, well-being, and civil liberties. No reasonable person would say that two tylenol a day and a one time bag of ice, is adequate medical treatment for a broken bone. On 9-22-2020, I had another inmate in the cell next to mine, (on the right, of me facing out) known as, "chucky" to write me a grievance about the lack of medical treatment. I never got a response to that grievance. On 3-6-2021, I placed an Inmate request asking about the where-about of this grievance and its status. I received a response saying, "They could not locate it." Then I received a response that I have a grievance regarding this issue.

On 9-24-2020, I was transported out of segregation to K.C.J (Kenosha County Jail). Where I was assigned to a top bunk, even though I protested about the difficulty and danger to me, from climbing up to the top bunk with a broken hand. I was responded by a John Doe Officer #13, "If your hands broke why isn't it in a cast? He refused to listen to my explanation and I was forced to sleep in a top bunk, which

was a struggle to get up and down from. On 9-24-2020, I was able to have a fellow inmate help me access the kiosk. Inmate Michael Wright typed a medical request for me asking for treatment for my broken hand. I informed them of my continuous pain. They scheduled me for a medical visit the next day. On 9-25-2020, I saw Nurse Practitioner Hateman about my reported pain, who ordered a prescription for I.B.U Profens. I asked if I could have a wrap to protect my hand, and was told I'll see someone today. On 9-25-2020, I was transported to see an Orthopedist about my broken hand. While there I spoke with him. He asked me how I had injured my hand. I then told him how and when my injury had occurred. He asked me why they had took so long in bringing me here, and had it been in a splint or a wrap before coming here. I told him that it was a good question as to why it took so long and no I had nothing on my hand. He seemed astounded that it had taken this long for me to see someone. He asked how did the break occur during the fight, and I said I had hit the wall while fighting. He said that sounds about right. He asked about my range of motion. I showed him I had no range of motion for my index finger and very little for my middle finger. He showed concern over this. He reviewed my x-rays with me, and then explained that I would be needing surgery to repair my hand. He explained he would be putting in two pins and would screw my bone back together of my 2nd metacarpal head. He then said he noticed the old breaks to my 4th and 5th metacarpals in the base of my right hand. I explained that I broke one when I was 17 yrs of age and one in 2016. I told him I had medical records for both at home, but not with me when he asked about them. I asked if I would be getting a cast and he said, "no, it has been healing this long and your going to be having surgery soon, then you would get a cast after I got everything right where its suppose to be." He then told me to take it easy with it, don't do anything strenuous and to not get in any more fights, or do anything else that could injure it further. Upon arriving back at K.I.C.J. once again I was assigned to the top bunk, even though I protested, telling John Doe Officer #14 that the ortho had said to take it easy with my hand and to not do anything that could possibly injure my hand further. On Oct. 2, 2020, I was transported to the hospital and prepared for surgery. The Orthopedist explained everything he was going to do, and about the anesthesia I would be getting. Then they brought me to the surgery room and performed the surgery. Afterwards I awoke

in a different room and the orthopedist came to see me and asked me how I was doing. I said I was alright but my hand was really sore. He said he would prescribe me some pain medication, and I would be scheduled for a post-op visit soon to check on my progress. I did not get the pain medication prescribed by the orthopedist, it was substituted by medical at K.C.J. When leaving K.C.J, I discovered that the post-operation after visit summary papers that Aurora Health Care had issued me, that contained important instructions for my medical health, had been placed in my property, instead of being supplied to me.

Each entity and/or named defendants took actions or established practices to create an environment that deprived the plaintiff of medical attention of his serious medical needs and/or deprived him of his right to adequate conditions of confinement.

Each defendant, jointly or separately chose to address Plaintiff's serious injury, need for medical attention by deliberately ignoring or refusing to respond to Plaintiff's pleas, requests for treatment, and obvious injury. Each named nonentity defendant chose to leave the pain and suffering of the Plaintiff to go on, and knew Plaintiff was being improperly treated, leaving him at risk to further harm. From at least 9-12-2020 till at least 9-25-2020, Each nonentity defendant jointly or separately took actions that showed a callous deliberate indifference to the Plaintiff's civil liberties.

The actions and/or practices of the said defendants deprived the plaintiff of his right to be free from cruel and unusual punishment as secured to him under the Eighth Amendment to the

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United States Constitution, and has resulted in actual physical harm and medical harm to the Plaintiff.

These actions and/or practices orchestrated environments established by said defendants, whether jointly or separately, sought to deprive the Plaintiff of his right to basic and adequate housing while under confinement as secured to him under the ~~Fifth~~ Fourteenth Amendment to the United States Constitution, and has resulted in actual physical harm, and medical harm to the Plaintiff.

Each defendant is sued jointly and separately
Each ~~different~~ non-entity defendant is sued in both their professional and individual capacity.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

Plaintiff, Daniel P. Seaberg, prays for actual, consequential, and compensatory damages against each defendant, jointly and/or separately in excess of \$100,000.00 and punitive damages in excess of \$5,000.00 for each separate defendant, and any other damages or relief that the court may deem appropriate, and any costs and reasonable attorney's fee pursuant to 42 U.S.C §1988.

E. JURY DEMAND

I want a jury to hear my case.

- YES - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 29th day of December 2021.

Respectfully Submitted,

Danny Seuberg
Signature of Plaintiff

R27140
Plaintiff's Prisoner ID Number

Shawnee Correctional Center, 6665 State Rt. 146 East,
Vienna, IL 62995
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)